

BEFORE THE
REGISTRAR OF CONTRACTORS
CONTRACTORS STATE LICENSE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EXPRESS ELECTRICAL SERVICE, INC.

P.O. Box 13072

Marina Del Rey, CA 90295

INNA VAYNBERG, RMO

ILYA BERSHADSKY, Officer

Contractor's License No. **651752**, C-10

Respondent

CASE NO. N2011-187

ORDER TO ADOPT
STIPULATED SETTLEMENT

The attached Stipulated Settlement is hereby adopted by the Registrar of Contractors as his Decision in the above-entitled matter. Failure to comply with the terms and conditions of the probation will cause the probationary period to be extended, until said terms are complied with or the discipline is reimposed.

IT IS FURTHER ORDERED that **EXPRESS ELECTRICAL SERVICE, INC.**, License Number **651752**, on or after the effective date of this decision shall file a Disciplinary Bond or post a cash deposit in the amount of \$30,000.00, for a period of not less than three years pursuant to of Section 7071.8 of the Business and Professions Code, and that respondent is hereby notified that practice under the license may not be restored until satisfactory evidence of such bond or cash deposit is on file with the Registrar. The Failure to obtain a Disciplinary Bond will cause the probationary period not to be in effect, until the required bond is obtained, submitted to and accepted by the Registrar.

IT IS FURTHER ORDERED that respondent shall pay the investigative costs in the amount of \$3,000.00. Monthly payments are to be made in the amount of \$100.00, until completed. Payments are to be made at the end of each month, commencing the first full month after the effective date of this decision.

IT IS THE responsibility of the respondents, named in this Order, to read and follow the Order. The deadlines for meeting the terms and conditions are based upon the EFFECTIVE DATE of this Decision. No notices or reminders will be sent as to compliance with the terms and conditions. Proof of payments of restitution and payments for the Cost of Investigation and Enforcement if ordered, are to be sent to CSLB, Sacramento Case Management, Post Office Box 26888, Sacramento, CA 95826.

This Decision shall become effective on February 20, 2013.

IT IS SO ORDERED January 16, 2013.



Stephen P. Sands
Registrar of Contractors

INFORMATION PURSUANT TO §11521 OF THE GOVERNMENT CODE

If you wish to file a Petition for Reconsideration pursuant to Government Code §11521, the text which appears below for your review, the Petition must be received prior to the effective date of the Decision. However, please be aware that the Board needs approximately 5 working days to process a Petition. Petitions should be sent to the following address: CONTRACTORS STATE LICENSE BOARD, P.O. BOX 269121, SACRAMENTO, CA 95826, ATTN: LEGAL ACTION DEPUTY. Fax documents can be sent to (916) 255-3933.

11521. (a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The agency shall notify a petitioner of the time limits for petitioning for reconsideration. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to a respondent, or on the date set by the agency itself as the effective date of the decision if that date occurs prior to the expiration of the 30-day period or at the termination of a stay of not to exceed 30 days which the agency may grant for the purpose of filing an application for reconsideration. If additional time is needed to evaluate a petition for reconsideration filed prior to the expiration of any of the applicable periods, an agency may grant a stay of that expiration for no more than 10 days, solely for the purpose of considering the petition. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.

(b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to an administrative law judge. A reconsideration assigned to an administrative law judge shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself, no agency member may vote unless he or she heard the evidence.

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-6343
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
REGISTRAR OF CONTRACTORS
9 **CONTRACTORS' STATE LICENSE BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. N2011-187

12 **EXPRESS ELECTRICAL SERVICE, INC.**
13 **P.O. Box 13072**
Marina Del Rey, CA 90295
14 **INNA VAYNBERG, RMO**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Contractor's License No. 651752, C-10**

16 Respondent.

17
18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21
22 **PARTIES**

23 1. Wood Robinson (Complainant) is the Enforcement Supervisor I of the Contractors'
24 State License Board. He brought this action solely in his official capacity and is represented in
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Langston M.
26 Edwards, Deputy Attorney General.

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2. Respondent Express Electrical Service, Inc.; Inna Vaynberg (Respondent) is representing itself in this proceeding and has chosen not to exercise its right to be represented by counsel.

3. On or about August 5, 1992, the Contractors' State License Board issued Contractor's License No. 651752 to Express Electrical Service, Inc.; Ilya Bershadsky; Inna Vaynberg (Respondent). On or about May 19, 2012, Ilya Bershadsky disassociated from the Contractor's License No. 651752. The Contractor's License was in full force and effect at all times relevant to the charges brought in Accusation No. N2011-187 and will expire on July 31, 2014, unless renewed.

JURISDICTION

4. Accusation No. N2011-187 was filed before the Registrar of Contractors (Registrar) for the Contractors' State License Board, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 1, 2012. Respondent timely filed its Notice of Defense contesting the Accusation.

5. A copy of Accusation No. N2011-187 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. N2011-187. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at its own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and

1 court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 6 CULPABILITY

7 9. Respondent admits the truth of each and every charge and allegation in Accusation
8 No. N2011-187.

9 10. Respondent agrees that its Contractor's License is subject to discipline and they agree
10 to be bound by the Registrar's probationary terms as set forth in the Disciplinary Order below.

11 12 CONTINGENCY

13 11. This stipulation shall be subject to approval by the Registrar of Contractors or his
14 designee. Respondent understands and agrees that counsel for Complainant and the staff of the
15 Contractors' State License Board may communicate directly with the Registrar regarding this
16 stipulation and settlement, without notice to or participation by Respondent. By signing the
17 stipulation, Respondent understands and agrees that they may not withdraw its agreement or seek
18 to rescind the stipulation prior to the time the Registrar considers and acts upon it. If the
19 Registrar fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
20 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
21 in any legal action between the parties, and the Registrar shall not be disqualified from further
22 action by having considered this matter.

23 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
25 effect as the originals.

26 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

4 14. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Registrar may, without further notice or formal proceeding, issue and enter the following
6 Disciplinary Order:

7
8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Contractor's License No. 651752 issued to Respondent
10 Express Electrical Service, Inc.; Inna Vaynberg (Respondent) is revoked. However, the
11 revocation is stayed and Respondent is placed on probation for three (3) years on the following
12 terms and conditions.

13 1. **Obey All Laws.** Respondent shall comply with all federal, state and local laws,
14 including all building laws and uniform codes, governing the activities of a licensed contractor in
15 California.

16 2. **Interviews With Enforcement Representative.** Respondent and any of
17 Respondent's personnel of record shall appear in person for interview with the Registrar or
18 designee upon request and reasonable notice during the probationary period.

19 3. **Completion Of Probation.** Upon successful completion of probation, the
20 Contractor's License will be fully restored.

21 4. **Violation Of Probation.** If Respondent violates probation or any condition of
22 probation in any respect, the Registrar, after giving notice and opportunity to be heard, may
23 revoke probation and impose the disciplinary order that is stayed. If an accusation or petition to
24 revoke probation is filed against Respondent during the probationary period, then the Registrar
25 shall have continuing jurisdiction of this matter until the subsequent matter is final, and the period
26 of probation and all the conditions of probation in this matter shall be extended until the
27 subsequent matter is final. If there is an order to make restitution or pay cost recovery and
28 Respondent fails to comply with the restitution or cost recovery order and make a payment, the

1 Registrar may immediately lift the stay and reimpose the disciplinary order without giving
2 Respondent an opportunity to be heard. In addition, Respondent shall respond in writing within
3 20 calendar days of any written inquiry or demand from the Registrar or authorized designee
4 (Probation Monitor) during the probation period. Failure to respond within the allotted timeframe
5 shall be considered a violation of the terms of probation.

6 **5. Restitution.** Respondent agrees to comply with all court restitution orders relating to
7 Elizabeth B. Milewski, Susan Kish and Harry Moreman. Failure to submit proof to the Registrar
8 or designee of each payment of restitution to the victim shall automatically terminate the stay of
9 the order of revocation and Respondent's license shall be revoked effective thirty (30) days from
10 the due date of the delinquent payment without further notice or hearing.

11 **6. Disciplinary Bond.** Not later than the effective date of the decision, Respondent
12 shall file or have on file a disciplinary contractor's bond in a sum to be fixed by the registrar
13 based upon the seriousness of the violation, but which sum shall not be less than fifteen thousand
14 dollars (\$15,000) nor more than 10 times that amount required by Business and Professions Code
15 section 7071.6. The disciplinary bond is in addition to, may not be combined with, and does not
16 replace any other type of contractor's bond. The disciplinary bond shall remain on file with the
17 registrar for a period of at least two years and for such additional time as the registrar may
18 determine, as required by Business and Professions Code section 7071.8.

19 **7. Production of Documents.** Respondent shall submit copies of documents directly
20 related to construction operations to the Registrar or designee upon demand during the
21 probationary period.

22 **8. Maintain Active License.** Respondent shall maintain the disciplined license in an
23 active and clear status for the duration of the probation period.

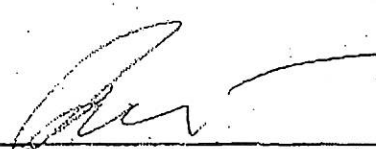
24 **9. Cost Recovery.** Respondent shall pay to the Registrar pursuant to Business and
25 Professions Code section 125.3 the costs of investigation and enforcement in this matter in the
26 amount \$3000.00 within 30 months of the effective date of the Decision and Order. Payments
27 may be made in equal monthly installments beginning thirty (30) days from the effective date of
28 the Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Contractor's License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of Contractors, Contractors' State License Board.

DATED:

12/30/12


EXPRESS ELECTRICAL SERVICE, INC.; INNA
VAYNBERG
Respondent

ENDORSEMENT

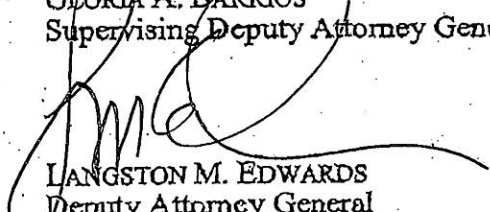
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Registrar of Contractors, Contractors' State License Board of the Department of Consumer Affairs.

Dated:

1/3/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General


LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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